

KCC 4845 (K-C 16,984)
PATENTREMARKS

Claims 45, 46, 50, 63, and 66-68 are amended, claims 44, 47, 69, 72, 74, 75, 86, and 87 are cancelled, and claims 88-98 are added herein. Claims 45-46, 50-68, 76-85, and 88-98 will be pending upon entry of this amendment.

The following remarks are responsive to the Office action mailed February 2, 2005.

I. Objections to the Drawings

Applicants note with appreciation that the drawings filed with applicants' Amendment C of October 28, 2004 have been approved by the Examiner.

Claims 46 and 67 have been amended to recite that the absorbent body is affixed to the chassis in a lateral attachment pattern. The previous recitation that the attachment pattern could alternatively be a longitudinal attachment pattern has been deleted. Fig. 2, as previously submitted, shows the adhesive layer 13 as being a pattern (i.e., line) of adhesive that extends in the cross-machine direction (i.e., lateral direction) to affix the absorbent body to the chassis. Accordingly, the requirements of claims 46 and 67 reciting that the body be affixed to the chassis in a lateral attachment pattern are believed to be shown in the drawings.

Claims 47, 69, and 86-87 have been canceled herein. Accordingly, the objection to the drawings based on these claims is believed to be overcome.

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II. Response to Objection to the Specification and Claim
Rejections under 35 U.S.C. 112

As noted in the previous Amendments B and C, applicants have not amended the Summary of the Invention section to be commensurate with the claim language as suggested by the Examiner. Rather, applicants agree to amend this portion of the specification after issuance of a notice of allowance indicating the final form of the claims deemed allowable by the Office.

On pages 3-4 of the Office action, the Office again restates its previous rejection based on the applicants' use of the term "affixed" in the claims. The Office maintains that the definition of "affixed" provided at page 6, lines 15-20 of the specification is contradictory to the use of the term "affixed" in the claims. The Examiner has objected to the phrase "absorbent body being affixed along at least a portion of its outer surface to the inner surface of said chassis" as recited in previously considered claim 44 and generally similarly recited in claim 68 and new claims 88 and 95-98. More specifically, the Examiner's position continues to be that the definition of "affixed" set forth in the specification is inconsistent with two components being affixed to each other "at least in part" by being affixed over less than 100% of their opposed surfaces. Applicants respectfully disagree for substantially the same reasons as set forth in Amendment C.

On page 6, line 18 of the application, the following definition of "affixed" is provided.

As used herein, "affixed" or "bonded" refers to the joining, adhering, connecting, attaching, or the like, of two elements. The two elements will be considered to be

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bonded together when they are bonded directly to one another or indirectly to one another.

The Office action continues to characterize the term "indirectly" as it is used in the above definition, as meaning that if less than all of the surface area between two elements is directly affixed, then the remaining, unaffixed portions of the surface area between the two elements are indirectly affixed. This is not the case. Rather, the term "indirectly" is used to mean that the two elements may be directly affixed to each other, or there may be an intermediate element therebetween through which the two elements are still affixed (e.g., each element being affixed directly to the intermediate element).

In view of the above, it is clear that two elements may be affixed to each other over less than 100 percent of the surface area therebetween within the definition of affixed provided in the specification. For example, as shown in Fig. 2 of the present application, the outer surface of the absorbent body is affixed directly to the inner surface of the chassis via an adhesive layer that extends across less than the full width of the absorbent body. The remaining surface area of the outer surface of the absorbent body beyond the edge margins of the adhesive layer is unaffixed to the inner surface of the chassis because they are not affixed, directly or via a third element therebetween. Accordingly, the unaffixed surface area of the outer surface of the absorbent body would be free to stretch independently of the outer cover.

There is no support found anywhere in the present application or the drawings to support the Office's characterization of the term "affixed." To the contrary, as

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stated in the specification, if the entire inner surface 9 of the absorbent body 4 is affixed or laminated to the inner surface 11 of the chassis 2, then the amount of stretchable surface area of the chassis is reduced by the entire surface area of the inner surface of the absorbent body (specification page 30, line 28 to page 31, line 2). The attachment of the entire surface area of the absorbent body 4 to the chassis 2 would greatly inhibit the biaxial stretch of the chassis. As such, the illustrated embodiment of the application is an alternative to attachment of the entire surface area of the absorbent body to the chassis so that increased stretchability of the chassis is facilitated.

The surface area of the outer surface 9 of the absorbent body 4 is portionally attached to the stretchable chassis 2 by a layer of adhesive 13 (Fig. 3) that may be a continuous layer of adhesive, or a patterned layer of adhesive or by an other attachment method (specification page 30, lines 19-25). Further, the outer surface area 9 of the absorbent body 4 attached to the chassis 2 may cover only a fraction of the surface area of the chassis (e.g., a 4 inch by 6 inch absorbent body may be attached on a 2 inch by 4 inch rectangular area of the chassis) and may be less than about 95%, more preferably less than about 50%, and even more preferably less than about 25% (page 31, lines 23-28).

Applicants respectfully request a citation to specific support in the specification that supports the Examiner's contention that the definition of "affixed" set forth in the application prevents the two elements from being "affixed at least in part". Contrary to the Examiner's remarks on page 4, the surface area of the outer surface of the absorbent body

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that lies against the inner surface at the lateral region beyond the ends of the adhesive layer would be free from contact with the adhesive layer and would not be affixed to the chassis. There would be no element, structure, or layer (i.e., adhesive layer or any other element) between the absorbent body and the chassis at this location and therefore the absorbent body would not be affixed to the chassis either directly or indirectly at this region. Rather, this portion of the absorbent body would be unaffixed and free to stretch or otherwise move independently of the chassis.

Applicants submit that the Examiner must consider the entire specification and drawings as a whole in determining what is meant by "affixed along at least a portion". The definition set forth on page 6, along with the drawings and the rest of the specification together make clear the intended meaning of "affixed along at least a portion". That is, the drawings and specification are not inconsistent with the definition set forth on page 6, but rather support precisely what applicants have explained consistently throughout the prosecution of this application - that "affixed" does not preclude a portion of the absorbent body from being unaffixed while another portion of the absorbent body is affixed.

In view of the above, applicants submit that the claims are commensurate with the specification and respectfully request that the objection to the specification and the rejection of the claims under 35 U.S.C. §112 be withdrawn.

Claims 47, 69, 86, and 87 have been cancelled. Accordingly, the rejection of these claims under 35 U.S.C. §112 is deemed moot.

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PATENTIII. Response to Rejection of the Claims under 35 U.S.C 103Claim 66

Claim 66 as amended is directed to a disposable absorbent article having a longitudinal axis and a lateral axis. The absorbent article comprises:

a stretchable multilayer chassis having an inner surface and an outer surface, said chassis comprising:

an elastic chassis liner defining the inner surface of the chassis and being stretchable at least laterally; and

an elastic outer cover secured to the chassis liner and defining the outer surface of the chassis, said outer cover being stretchable at least laterally;

an absorbent body having an inner surface, an outer surface, and longitudinal ends, the absorbent body comprising:

an absorbent core;

a tissue wrapsheet wrapped about the absorbent core; and
a surge management layer; and

an absorbent body liner secured at least in part to the chassis liner, said absorbent body being disposed between the absorbent body liner and the chassis liner with the surge management layer disposed between the tissue wrapsheet and the absorbent body liner;

the inner surface of the absorbent body being free from contact with the chassis at the longitudinal ends of the absorbent body.

Claim 66 as amended is submitted to be patentable over U.S. Patent Nos. 4,756,709 (Stevens), 6,149,638 (Vogt et al.), and the other references of record, in that the references fail to show or suggest an absorbent article comprising an absorbent

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body being affixed along at least a portion of its outer surface to a stretchable chassis and the inner surface of the absorbent body being free from contact with the chassis at the longitudinal ends of the absorbent body.

Stevens discloses a disposable diaper 10 having an absorbent structure 22 attached to an outer cover 20 that has a back waist flap 26 and a front waist flap 28 that are folded over the respective ends of the absorbent structure to contact the inner surface of the absorbent structure and maintain the absorbent structure in position relative to the outer cover.

Vogt et al. disclose an absorbent article 8 having a bodyside liner 24 defining the inner surface of the article and an extensible outer cover 26 defining the outer surface of the article. An absorbent pad 38 is disposed between the bodyside liner 24 and the outer cover 26. Vogt et al. disclose the bodyside liner 24 covering the absorbent pad 38 over substantially all of the inner surface of the pad. As such, Vogt et al. clearly fail to show or even suggest an absorbent body having an inner surface free from contact with the chassis at the longitudinal ends of the absorbent body.

Accordingly, Stevens and Vogt et al., whether considered alone or in combination, fail to show or suggest an absorbent article having an absorbent body with an inner surface free from contact with the chassis at the longitudinal ends of the absorbent body.

Claims 67, 68, and 76-85, depending directly or indirectly from claim 66, are submitted to be patentable over Stevens and the other references of record for the same reasons as claim 66.

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PATENTIV. New ClaimsClaim 88

New claim 88 is submitted as patentable over the prior art of record, including Stevens, Vogt et al., and Boland et al., in that none of the references show or suggest a disposable absorbent article having the features recited in claim 88, namely:

i) a stretchable multilayer chassis having a longitudinal axis, a lateral axis, an inner surface, an outer surface, an elastic chassis liner defining the inner surface of the chassis and being stretchable at least laterally, and an elastic outer cover secured to the chassis liner and defining the outer surface of the chassis, said outer cover being stretchable at least laterally;

ii) an absorbent body having an inner surface, an outer surface and longitudinal ends, said absorbent body being affixed along at least a portion of its outer surface to the inner surface of said chassis whereby the inner surface of the absorbent body lies against a wearer of the article during use, said chassis being stretchable about the wearer independent of the absorbent body; and

iii) at least one leg elastic member assembled into the chassis and interposed between the elastic outer cover and the elastic chassis liner.

It should be noted that Stevens and Boland et al. each fail to teach a disposable absorbent article having at least one leg elastic member assembled into the chassis and interposed between an elastic outer cover and an elastic chassis liner. Rather, Stevens and Boland et al. show leg

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elastic members attached to the inner surface of the chassis (i.e., not interposed between multiple layers of the chassis). Further, Vogt et al. fail to teach a disposable absorbent article having an absorbent body affixed along at least a portion of its outer surface to the inner surface of a chassis whereby the inner surface of the absorbent body lies against a wearer of the article during use. Therefore, claim 88 is submitted as allowable over the prior art for at least these reasons.

New claims 89 and 90 depend directly from claim 88 and are patentable over the prior art of record for at least the same reasons as claim 88. Additional reasons are given below.

Claim 89 recites that absorbent article set forth in claim 88 further comprising at least one waist elastic member assembled into the chassis and interposed between the elastic outer cover and the elastic chassis liner. Stevens teaches that the waist elastic members 58, 60 are disposed in a respective hem 52, 54 of waist tuck 65 (See Figs. 13 and 13A) that includes the folded edge margin of the outer cover 20. Stevens completely lacks a showing or suggestion that the waist elastic members 58, 60 are interposed between layers of the outer cover. Accordingly, claim 89 is patentable for this additional reason.

Claim 90 recites that the inner surface of the absorbent body is free from contact with the chassis at the longitudinal ends of the absorbent body. As set forth above for claims 95 and 66, Stevens, Boland et al., Vogt et al., and the other references of record fail to show or suggest this feature.

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New claim 91 depends indirectly from claim 95 and recites that the disposable absorbent article further comprises at least one leg elastic member assembled into the chassis and interposed between the outer cover and the chassis liner. Accordingly, claim 91 is submitted as patentable for the reasons set forth above for claim 95 and the additional reasons set forth above for claim 88.

New claim 92 depends indirectly from claim 95 and recites that the disposable absorbent article further comprises at least one waist elastic member assembled into the chassis and interposed between the outer cover and the chassis liner. Accordingly, claim 92 is submitted as patentable for the reasons set forth above for claim 95 the additional reasons set forth above for claim 89.

Claims 93 and 94

New claim 93 depends directly from claim 66 and recites that the disposable absorbent article further comprises at least one leg elastic member assembled into the chassis and interposed between the outer cover and the chassis liner. Accordingly, claim 93 is submitted as patentable for the reasons set forth above for claim 66 and the additional reasons set forth above for claim 88.

New claim 94 depends directly from claim 66 and recites that the disposable absorbent article further comprises at least one waist elastic member assembled into the chassis and interposed between the outer cover and the chassis liner. Accordingly, claim 94 is submitted as patentable for the

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reasons set forth above for claim 66 and the additional reasons set forth above for claim 89.

Claim 95

The present invention is directed to a disposable absorbent article having enhanced stretch capabilities and being relatively inexpensive and easy to manufacture while maintaining comfort, fit and fluid containment qualities that are desirable of absorbent article construction.

In particular, claim 95 recites a disposable absorbent article comprising:

a stretchable multilayer chassis having a longitudinal axis, a lateral axis, an inner surface, and an outer surface; said chassis being stretchable at least laterally; and

an absorbent body having an inner surface, an outer surface and longitudinal ends, said absorbent body being affixed along at least a portion of its outer surface to the inner surface of said chassis whereby the inner surface of the absorbent body lies against a wearer of the article during use, *the inner surface of the absorbent body being free from contact with the chassis at the longitudinal ends of the absorbent body*, said chassis being stretchable about the wearer independent of the absorbent body.

Claim 95 is submitted to be patentable over the references of record, and in particular Stevens and U.S. Patent Nos. 4,747,846 (Boland et al.), in that whether considered alone or in combination the references fail to show or suggest a disposable absorbent

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article comprising an absorbent body affixed along at least a portion of its outer surface to the inner surface of the chassis, whereby the inner surface of the absorbent body lies against a wearer of the article during use and the inner surface is free from contact with the chassis at the longitudinal ends of the absorbent body.

Stevens discloses a disposable diaper 10 having an absorbent structure 22 attached to an outer cover 20. The absorbent structure 22 has an absorbent composite disposed between a liquid permeable bodyside liner 42 attached to a liquid impermeable barrier 44. As shown in the assembled position of Fig. 4, the outer cover 20 has waist flaps 26, 28 folded over the longitudinal ends of the absorbent structure 22 so that the outer cover 20 is in contact with the inner surface of the absorbent structure at the ends.

Boland et al. disclose a disposable absorbent undergarment 10 having an absorbent structure 32 attached to an outer cover 12. The absorbent structure 32 includes a bodyside liner 34, a liquid impervious barrier 36, and an absorbent core 38 disposed therebetween. The liner 34 of the absorbent structure 32 has flaps 62, 64 that extend beyond the longitudinal ends of the absorbent core 38. The outer cover 12 has waist hems 66 that fold over and receive flaps 62, 64 such that the outer cover contacts the inner surface of the absorbent structure.

Accordingly, Stevens and Boland et al., whether considered alone or in combination, fail to show or suggest an absorbent article having an absorbent body with an inner surface free from contact with the chassis at the longitudinal ends of the absorbent body.

The other references of record similarly fail to show or suggest the combination of features recited in claim 95.

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For these reasons, claim 95 is submitted to be patentable over Stevens, Boland et al. and the other references of record.

Claims 45-46 and 50-65 depend directly or indirectly from amended claim 95 and are submitted to be patentable over Stevens and the other references of record for the same reasons as claim 95.

Claim 96

New claim 96 is submitted as patentable over the prior art of record, including Stevens, Vogt et al., and Boland et al., in that none of the references show or suggest a disposable absorbent article having the features recited in claim 96, namely:

i) a stretchable multilayer chassis having a longitudinal axis, a lateral axis, an inner surface and an outer surface; said chassis being stretchable at least laterally;

ii) an absorbent body having an outer surface in opposed relationship with the inner surface of the chassis and an inner surface facing away from the chassis whereby the inner surface of the absorbent body lies against a wearer of the article during use, the absorbent body being affixed along at least a portion of its outer surface to the inner surface of the chassis, the entire inner surface of the absorbent body being free from contact with the chassis, said chassis being stretchable about the wearer independent of the absorbent body.

It should be noted that Stevens and Boland et al. each fail to teach a disposable absorbent article having an absorbent body with an inner surface that lies against the wearer during use such that the entire inner surface is free from contact with the chassis. Rather, Stevens and Boland et

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al. show a disposable absorbent article having an absorbent body with an inner surface that is in contact with the chassis at the longitudinal end regions of the absorbent body. Further, Vogt et al. fail to teach a disposable absorbent article having an absorbent body affixed along at least a portion of its outer surface to the inner surface of a chassis whereby the inner surface of the absorbent body lies against a wearer of the article during use. Therefore, claim 96 is submitted as allowable over the prior art for at least these reasons.

Claim 97

New claim 97 is submitted as patentable over the prior art of record, including Stevens, Vogt et al., and Boland et al., in that none of the references show or suggest a disposable absorbent article having the features recited in claim 97, namely:

i) a stretchable multilayer chassis having a longitudinal axis, a lateral axis, an inner surface and an outer surface; said chassis being stretchable at least laterally; and

ii) an absorbent body having an outer surface in opposed relationship with the inner surface of the chassis and an inner surface facing away from the chassis whereby the inner surface of the absorbent body faces a wearer of the article during use, the absorbent body being affixed along at least a portion of its outer surface to the inner surface of the chassis, the entire inner surface of the absorbent body being uncovered by the chassis, said chassis being stretchable about the wearer independent of the absorbent body.

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It should be noted that Stevens and Boland et al. each fail to teach a disposable absorbent article having an absorbent body with an entire inner surface that is uncovered by the chassis. Rather, Stevens and Boland et al. show a disposable absorbent article having an absorbent body with an inner surface that is covered by the chassis at the longitudinal end regions of the absorbent body. Further, Vogt et al. fail to teach a disposable absorbent article having an absorbent body affixed along at least a portion of its outer surface to the inner surface of a chassis whereby the inner surface of the absorbent body faces a wearer of the article during use. Therefore, claim 97 is submitted as allowable over the prior art for at least these reasons.

Claim 98

New claim 98 is submitted as patentable over the prior art of record, including Stevens, Vogt et al., and Boland et al., in that none of the references show or suggest a disposable absorbent article having the features recited in claim 98, namely:

i) a stretchable multilayer chassis having a longitudinal axis, a lateral axis, an inner surface, an outer surface and longitudinally opposite ends; said chassis being stretchable at least laterally and being unfolded at least at said longitudinal ends; and

ii) an absorbent body having an outer surface in opposed relationship with the inner surface of the chassis and an inner surface facing away from the chassis whereby the inner surface

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of the absorbent body faces a wearer of the article during use, the absorbent body being affixed along at least a portion of its outer surface to the inner surface of the chassis, said chassis being stretchable about the wearer independent of the absorbent body.

It should be noted that Stevens and Boland et al. each fail to teach a disposable absorbent article having a stretchable chassis that is unfolded at least at longitudinally opposite ends. Rather, Stevens and Boland et al. show a disposable absorbent article having a chassis that is folded at its longitudinal ends. Further, Vogt et al. fail to teach a disposable absorbent article having an absorbent body affixed along at least a portion of its outer surface to the inner surface of a chassis whereby the inner surface of the absorbent body faces a wearer of the article during use. Therefore, claim 98 is submitted as allowable over the prior art for at least these reasons.

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PATENTV. Conclusion

In view of the foregoing, consideration and allowance of claims 45-46, 50-68, 76-85, and 88-98 as now presented is respectfully requested.

Respectfully submitted,



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